

RECEIVED
8/14**William C. Bond**

Pro Se Litigation
P.O. Box 4823
Baltimore, Maryland 21211
443.970.2887
proselitigator@aol.com

August 10, 2017

The Hon. Roger L. Gregory via: FedEx & Fax (letter & affidavit only) 804.916.3055
Chief Judge
United States Court of Appeals for the Fourth Circuit
Lewis F. Powell, Jr., United States Courthouse
1000 East Main Street
Suite 212
Richmond, Virginia 23219-3517

RE: Civil Action No.: 16-02723-DAF (D. Md.)

Dear Judge Gregory:

I write to you about Judge David A. Faber whom you specially assigned to the above case on August 11, 2016.

I believe Judge Faber is now disabled, by his own acts and words, and unfit to further serve his special assignment.

Clearly, this court took the appropriate initial steps in this case by specially assigning Judge Faber, who affirmed that he was “willing and able” to assume the specially assigned judicial duty. See, 28 U.S.C. 294(c).¹ But, this necessary act by the court has not realized the desired result as Judge Faber appears to have blocked any and all of my efforts to achieve justice in this case. For example, Judge Faber has refused to give any reasons whatsoever for denying my two motions to amend my complaint. And, by doing so, Judge Faber clearly appears to be protecting the still-unserved judicial officer defendants. This unfair and unjust conduct by Judge Faber has negated the good intentions with which this court began this action.

On August 21, 2017, I plan to file a motion in the district court to recuse Judge Faber from this case and to vacate his recent order at docket number 29, along with a 28 U.S.C. 144 affidavit. Copies of these postdated documents are attached. The allegations against Judge Faber, supported by the teachings of Liteky v. United States, 510 U.S. 540 (1994), are summarized as

¹ Please see: Exhibit no.: 1, docket number 4 in this case, your special assignment order.

thus:²

- 1.** Judge Faber refused to allow me to amend my complaint by right under FRCP 15 before his first order dismissing this case.
- 2.** Judge Faber allowed the defendants to make a highly prejudicial statement about me, which was outside of the record, and which he then repeated & adopted in his first and controlling order.

"Plaintiff does not seriously contest that the reason for the interviews was concern about the safety of federal judges and other government officials due to Plaintiff's communications with them. See Doc. No. 1." (Emphasis added.) (See, docket no.: 22 at 16.)³

- 3.** Judge Faber then made highly biased and prejudicial statements about me in his first order that were both outside of the record and unsupported by any known judicial ruling. For example:

"In addition, Plaintiff is a frequent litigant before this court. Typically, he alleges various blanket but unspecific violations of his legal rights. He is now admonished that his continuing to file frivolous and vexatious lawsuits may result in an order denying him further access to the court on such matters." (Emphasis added.) (See, docket no.: 22 at 1-2.)

When I wrote to Judge Faber confidentially about these biased and prejudicial acts and asked him to correct the record, not only did he refuse, but in his third order in this case,⁴ he repeated the offending statements that are completely false and outside of the record.⁴

² Please see: the attached **Error! Main Document Only.MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO RECUSE AND VACATE THE COURT'S LAST ORDER AT DOCKET NO.: 29 WITH AFFIDAVIT OF WILLIAM C. BOND UNDER 28 U.S.C. 144.**

³ I vociferously objected to this outside-of-the-record statement by the defendants, which was adopted by the court, in my filings. Please see, again, the attached **Error! Main Document Only.MEMORANDUM**.

⁴ Please see: Exhibit nos.: 2 & 3, the subject confidential letters to Judge Faber dated May 9, 2017, w/o exhibit, and June 20, 2017. I am not putting these two letters into the motion to recuse, although I am referencing them, because I had told Judge Faber that "it is [his] decision whether to put [the letters] upon the docket or for [them] to remain as part of [his] judicial file." Obviously, Judge Faber has chosen not to make the letters public.

4. Judge Faber has grossly abused his discretion in an obvious and unallowable way by both refusing to allow me to file an amended complaint(s) and also to explain his specific non-conclusory reasons for doing so. These acts are in direct violation of clear and directly on-point U.S. Supreme Court and U.S. Fourth Circuit precedents.

5. Finally, while Judge Faber has refused to dismiss the case with prejudice, he has also now ordered the clerk not to accept any more filings by me.

“The Clerk is directed not to accept any further motions to vacate the court’s opinion and order or to reopen this action.”

(Emphasis added.) (See, docket no.: 29 at 2.)

This arbitrary act by Judge Faber, which is completely unsupported by the record and any non-conclusory legal explanation, is what has prompted this filing and my necessity to contact this honorable court.⁵

This case is now over one year old. Yet there has been zero substantive review of the underlying allegations that three (3) Maryland Article III judges conspired to ‘throw’ a federal case, or that they then misused U.S. Marshals Service and FBI agents to seek to subvert my First Amendment efforts to complain about this treatment and what I saw as broken & corrupt in the Baltimore U.S. courthouse.

What is described above simply cannot be. Or as the late Judge Butzner said, quoting Hazel-Atlas:

“Furthermore, tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society. Surely it cannot be that preservation of the integrity of the judicial process must always wait upon the diligence of litigants. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud. 322 U.S. at 246, 64 S. Ct. at 1001.” Great Coastal Exp. v. International Broth., etc., 675 F.2d 1349, 1363 (1982).

The events I complain of are almost unprecedented in this circuit.⁶ Further, the underlying

⁵ Judge Faber’s order could be read as preventing the acceptance of the recusal motion in the district court.

⁶ A total of 34 Article III judges have been removed from office by either impeachment

complaints against Judge Garbis, which entangle Judges Motz and Niemeyer, should have been resolved long ago. Nevertheless, Judge Faber believes I should walk away without any reason given from the more than 2.5 million dollars, in today's money, in physical damages caused to me by Judge Garbis' alleged and, so far, unexamined misconduct.⁷ This is only another sign of bias and prejudice against me by Judge Faber.

I believe this court has the responsibility to set this matter on a straight course, both because it assigned Judge Faber and also by the virtue of its inherent power. In the hope that the court will do just that, I have postdated the attached filing for August 21, 2017, so that all involved can carefully consider this entire matter. My great desire is that before the filing is due to be made with the Maryland district court clerk's office that the court and Judge Faber come to the conclusion that justice has not been done in this case; and simply agree that a new and different judge should be assigned to this case under 28 U.S.C. 2106.⁸

In the alternative, and if necessary, I ask that this court consider this letter and combined attachments as either (1) a motion made to an individual judge under Local Rule 27(e) or (2) as a petition for writ of mandamus to be re-captioned by the court under Local Rule 21(a).⁹

Because of the additional and unnecessary abuse that has been piled upon me by Judge Faber, I ask that the court expedite as quickly as possible whatever course of action it plans to take in this matter.¹⁰

Thank you very much for your consideration.

proceedings (11) or by forced resignations because of allegations of misbehavior (23) since 1789 thru present day. Importantly, none of these judges came from any district court within and/or the U.S. Fourth Circuit. (This information was compiled from publications by and from the databases of the Federal Judicial Center.)

⁷ For example, please see docket entry number 26-2 at ¶¶ 76, 79, 80, 90, & 118, which itemize just a small portion of the 2001 thru present damages & monies expended relating to this matter. Please also see my attached my 28 U.S.C. 144 affidavit.

⁸ There simply is no way the court's chambers could analyze docket entry numbers 26 & 28, my second amended complaint filings, and come to any other conclusion than that I have presented plausible claims that are entitled to a substantive district court merits test & review.

⁹ As already stated, this court has inherent power. This power gives the court the authority to take any action necessary "in the interests of justice," just as the Supreme Court of the United States recently did in treating one of the "travel ban" cases' pending motions as a petition for writ of certiorari, which was then granted. See, SCOTUS case nos.: 16-1436 and 16-1540.

¹⁰ While this letter is unusual, so is this case. Nevertheless, I continue in good faith, and urge the court to contact me, either by chambers' staff or the clerk's office, should they require any additional documents or briefing; or for any other reason, including to relay additional filing instructions. I only ask that any contact be made by telephone or letter that is copied to my email address so that I have said notice in real time.

I hope this letter finds you well.

Very truly & respectfully yours,



William C. Bond

cc: **Matthew P. Phelps**, AUSA, USAO MD *via: Email*
Allen F. Loucks, Chief, Civil Division, USAO MD *via: Email*
The Hon. David A. Faber *via: FedEx*¹¹

¹¹ Judge Faber is copied only because I have suggested that this court, if necessary, convert this letter and its attachments into a motion to the court and/or a petition for writ of mandamus.